

REMARKS

Claims 1-50 are pending in the application, and are canceled without waiver or prejudice, and subject to the right to file a divisional application(s) thereto. Claims 51-71 are added. Claims 51-71 are fully supported by the specification as originally filed; and no new matter is added by this amendment.

In the Restriction action dated 28 June 2002, the Examiner required restriction to one of over 700 groups. In response, Applicants elect with traverse a restriction group below, and present new claims 51-71 corresponding to a single protein molecule encompassing API-3, API-6, API-47, API-58, API-145, and API-239.

Responsive to the Requirement for restriction, Applicants elect to prosecute the invention included in the grouping of CXCI to CDXXXIX, with traverse, encompassing claims 4-10 drawn to a method for screening of Alzheimer's Disease by detecting API-6, classified in class 435, subclass 7.1.

Applicants respectfully request reconsideration of the Requirement for Restriction, or in the alternative, modification of the Restriction Requirement to allow prosecution of more than one group of claims designated by the Examiner in the present application, for the reasons provided as follows:

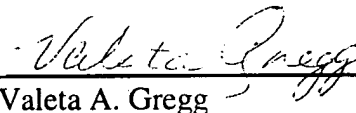
As shown in Table VIII of the instant specification, as originally filed, API-3, API-6, API-47, API-58, API-145, and API-239 are all fragments of a single protein molecule identified by Accession Number O15179 in the SWISS-PROT and trEMBL databases (held by the Swiss Institute of Bioinformatics (SIB) and the European Bioinformatics Institute (EBI) which are available at <http://www.expasy.ch/>) (O15179 is in the SwissProt database). Accordingly, these APIs require a single search, and thus should be treated as a single invention for examination purposes. Thus, restriction should not be required between these APIs because they do not have a different field of search. Further, under Patent Office Examining Procedures, "[i]f the Search and Examination of an entire Application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions" (MPEP 803, Rev. 8, May 1988) (emphasis added).

Accordingly, Applicants respectfully traverse the Restriction requirement, and request reconsideration which would allow APIs corresponding to a single protein molecule to be examined together. Therefore, entry of the amendments hereinabove and reconsideration of the Office Action mailed 28 June 2002 are respectfully requested.

Conclusion

In view of the above, withdrawal of the Requirement for the Restriction is requested, and an early action on the merits of the Claims is courteously solicited.

Respectfully submitted,
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